

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI,
#A0185087,

Plaintiff,

v.

NURSE MARIETA MOMII, *et al.*,

Defendants.

CIVIL NO. 20-00524 LEK-KJM
DISMISSAL ORDER

Before the Court is pro se prisoner Francis Grandinetti’s (“Grandinetti”) “Federal Complaint and Injunction Action.” ECF No. 1. Grandinetti, who is currently incarcerated at the Halawa Correctional Facility, claims that Defendant Marieta Momii erroneously denied his prison grievance. *Id.* at PageID # 1.

Grandinetti has accrued three strikes pursuant to 28 U.S.C. § 1915(g).¹ For more than fifteen years, this court has repeatedly told Grandinetti that he may not

¹ See, e.g., *Grandinetti v. Iranon*, No. 96-cv-00101-RC-KFG (E.D. Tex.) (dismissing § 1983 complaint as frivolous on January 26, 1998); *Grandinetti v. Iranon*, No. 96-cv-00118 (E.D. Tex.) (dismissing § 1983 complaint as frivolous on July 20, 1998); *Grandinetti v. Bobby Ross Group, Inc.*, No. 96-cv-00117-TH-WCR (E.D. Tex.) (dismissing § 1983 complaint as frivolous and for failure to state a claim on March 5, 1999); *Grandinetti v. U.S. Marshals Serv.*, No. 00-cv-00489 SOM-KSC (D. Haw.) (dismissing § 1983 complaint for failure to state a claim on August 1, 2000); *Grandinetti v. FTC Seg. Unit Staff*, 426 F. App’x 576, 576 (9th Cir. 2011) (affirming district court’s dismissal under 28 U.S.C. § 1915(g)’s “three strikes” provision).

proceed without prepayment of the filing fee unless his pleadings plausibly show that he was in imminent danger of serious physical injury at the time that he brought this action.² *See Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007). Despite these repeated warnings, Grandinetti has continued to file actions without prepaying the filing fee or showing he was in imminent danger of serious physical injury, including more than sixty actions in this court during the last five years alone.³

² *See, e.g., Grandinetti v. Stampfle*, No. 05-cv-00692-HG-LK (D. Haw.); *Grandinetti v. Moga-Rivera*, No. 06-cv-00095-DAE-LEK (D. Haw.); *Grandinetti v. Lingle*, No. 06-cv-00137-HG-LK (D. Haw.); *Grandinetti v. Arioyoshi*, No. 06-cv-00146-JMS-LK (D. Haw.); *Grandinetti v. Bent*, No. 06-cv-00147-DAE-LK (D. Haw.); *Grandinetti v. FDC Branch Staff*, No. 07-cv-00053-DAE-KSC (D. Haw.); *Grandinetti v. Honolulu Int'l Airport Officials*, No. 07-cv-00082-JMS-KSC (D. Haw.); *Grandinetti v. Frank*, No. 07-cv-00488-SOM-KSC (D. Haw.); *Grandinetti v. Moga-Riveira*, No. 12-cv-00397-SOM-KSC (D. Haw.); *Grandinetti v. Sakai*, No. 12-cv-00432-HG-RLP (D. Haw.).

³ *See, e.g., Grandinetti v. Redwood Toxicology Lab*, No. 15-cv-00059-LEK-KSC (D. Haw.); *Grandinetti v. Martinez*, No. 15-cv-00081-SOM-KSC (D. Haw.); *Grandinetti v. Olsen*, 15-cv-00082-LEK-RLP (D. Haw.); *Grandinetti v. Judiciary of Hawaii*, No. 15-cv-00089-JMS-RLP (D. Haw.); *Grandinetti v. Taylor*, No. 15-cv-00294-JMS-KSC (D. Haw.); *Grandinetti v. Humane Restraint Co.*, No. 15-cv-00456-LEK-BMK (D. Haw.); *Grandinetti v. Matsuoka*, No. 16-cv-00419-LEK-RLP (D. Haw.); *Grandinetti v. Stampfle*, No. 16-cv-00436-JMS-RLP (D. Haw.); *Grandinetti v. Alexander*, No. 16-cv-00480-LEK-KSC (D. Haw.); *Grandinetti v. Sells*, No. 16-cv-00517-DKW-RLP (D. Haw.); *Grandinetti v. Jinbo*, No. 16-cv-00674-LEK-KSC (D. Haw.); *Grandinetti v. Espinda*, No. 17-cv-00004-JMS-RLP (D. Haw.); *Grandinetti v. Mun*, No. 17-cv-00215-DKW-KJM (D. Haw.); *Grandinetti v. Honolulu Police Dep't*, No. 17-cv-0029-DKW-KJM (D. Haw.); *Grandinetti v. Urine Drug Test*, No. 17-cv-00418-LEK-KSC (D. Haw.); *Grandinetti v. Hawaii*, No. 17-cv-00505-DKW-KJM (D. Haw.); *Grandinetti v. Agaron-Payne Auditors*, No. 17-cv-00591-JMS-KJM (D. Haw.); *Grandinetti v. Heggman*, No. 18-cv-00111-HG-RLP (D. Haw.); *Grandinetti v. Espinda*, No. 18-cv-00208-JMS-KJM (D. Haw.); *Grandinetti v. Liaux*, No. 18-cv-00289-JMS-RLP (D. Haw.); *Grandinetti v. Hawaii*, No. 18-cv-00374-LEK-KJM (D. Haw.); *Grandinetti v. Hegmann*, No. 18-cv-00396-DKW-RLP (D. Haw.); *Grandinetti v. Hamidi*, No. 18-cv-00483-JAO-KJM (D. Haw.); *Grandinetti v. Mee*, No. 19-cv-00187-LEK-KJM (D. Haw.); *Grandinetti v. Office of the Pub. Def.*, No. 19-cv-00205-LEK-RT (D. Haw.); *Grandinetti v. Pule*, No. 19-cv-00208-DKW-RT (D. Haw.); *Grandinetti v. Zollinger*, No. 19-cv-

Grandinetti again fails to show that he was in imminent danger of serious physical injury when he filed this Complaint. *See* ECF No. 1; *Young v. Peterson*, 548 F. App'x 479, 480 (9th Cir. 2013) ("[Plaintiff] failed to allege sufficient facts to show that he was under an imminent danger of serious physical injury when he lodged his complaint."); *see also Reberger v. Baker*, 657 F. App'x 681, 684 (9th

00242-JMS-RT (D. Haw.); *Grandinetti v. Ige*, No. 19-cv-00278-DKW-RT (D. Haw.); *Grandinetti v. Corr. Corp. of Am. (CCA)*, No. 19-cv-00291-JAO-KJM (D. Haw.); *Grandinetti v. Mun*, No. 19-cv-00305-LEK-RT (D. Haw.); *Grandinetti v. Thomas*, No. 19-cv-00312-JAO-KJM (D. Haw.); *Grandinetti v. Trump*, No. 19-cv-00341-JAO-WRP (D. Haw.); *Grandinetti v. Thomas*, No. 19-cv-00360-LEK-KJM (D. Haw.); *Grandinetti v. Circuit Court of the Third Circuit*, No. 19-cv-00384-JAO-KJM (D. Haw.); *Grandinetti v. Oshiro*, No. 19-cv-00409-JMS-KJM (D. Haw.); *Grandinetti v. Espinda*, No. 19-cv-00419-HG-KJM (D. Haw.); *Grandinetti v. Loza*, No. 19-cv-00526-LMS-WRP (D. Haw.); *Grandinetti v. CoreCivic*, No. 19-cv-00556-JAO-KJM (D. Haw.); *Grandinetti v. Haw. Paroling Auth. (HPA)*, No. 19-cv-00559-SOM-KJM (D. Haw.); *Grandinetti v. Agaran*, No. 19-cv-00568-LEK-KJM (D. Haw.); *Grandinetti v. Barajas*, No. 19-cv-00569-JAO-KJM (D. Haw.); *Grandinetti v. Mee*, No. 19-cv-00591-HG-WRP (D. Haw.); *Grandinetti v. Macadamia*, No. 19-cv-00605-JAO-WRP (D. Haw.); *Grandinetti v. Saguaro Corr. Ctr.*, No. 19-cv-00607-JMS-KJM (D. Haw.); *Grandinetti v. Off. of Disciplinary Counsel*, No. 19-cv-00626-DKW-RT (D. Haw.); *Grandinetti v. Roth*, No. 19-cv-00634-DKW-RT (D. Haw.); *Grandinetti v. Bradley*, No. 19-cv-00684-LEK-WRP (D. Haw.); *Grandinetti v. Governors of Haw.*, No. 19-cv-00685-LEK-WRP (D. Haw.); *Grandinetti v. Anderson*, No. 20-cv-00014-DKW-KJM (D. Haw.); *Grandinetti v. Hegmann*, No. 20-cv-00017-DKW-RT (D. Haw.); *Grandinetti v. Valenzuela*, No. 20-cv-00042-JMS-RT (D. Haw.); *Grandinetti v. Mun*, No. 20-cv-00055-HG-RT (D. Haw.); *Grandinetti v. Frink*, No. 20-00068-DKW-RT (D. Haw.); *Grandinetti v. Ioane*, No. 20-cv-00086-JMS-WRP (D. Haw.); *Grandinetti v. Espinda*, No. 20-cv-00088-JMS-WRP (D. Haw.); *Grandinetti v. Mee*, No. 20-cv-00110-LEK-RT (D. Haw.); *Grandinetti v. Sebastian*, No. 20-cv-00109-SOM-KJM (D. Haw.); *Grandinetti v. CoreCivic*, No. 20-cv-00155-JMS-RT (D. Haw.); *Grandinetti v. Robertson*, No. 20-cv-00180-JAO-KJM (D. Haw.); *Grandinetti v. Rodby*, No. 20-cv-00190-DKW-WRP (D. Haw.); *Grandinetti v. Hawaii*, No. 20-cv-00253-SOM-RT (D. Haw.); *Grandinetti v. Off. of Pub. Def.*, No. 20-cv-00276-JAO-WRP (D. Haw.); *Grandinetti v. Inst. Grievance Officers*, DPS-HI, No. 20-cv-00332-JAO-KJM (D. Haw.); *Grandinetti v. Nale*, No. 20-cv-00344-JAO-RT (D. Haw.); *Grandinetti v. Komori*, No. 20-cv-00346-DKW-WRP (D. Haw.); *Grandinetti v. Barajas*, No. 20-cv-00347-LEK-RT (D. Haw.); *Grandinetti v. Harrington*, No. 20-cv-00408-LEK-RT (D. Haw.); *Grandinetti v. Ruiz*, No. 20-cv-00469-DKW-RT (D. Haw.); *Grandinetti v. Feldt*, No. 20-cv-00467-SOM-KJM (D. Haw.); *Grandinetti v. HMSF Intake/Screening Physician*, No. 20-cv-00471-LEK-WRP (D. Haw.).

Cir. 2016) (“[Plaintiff’s] allegations . . . are too vague and speculative to invoke the exception to the three-strikes rule.”).

The Court construes Grandinetti’s filing of this action without paying the civil filing fee as an informal request to proceed in forma pauperis. So construed, the request is DENIED, and this action is DISMISSED without prejudice. This does not prevent Grandinetti from raising his claims in a new action with concurrent payment of the civil filing fee. The Clerk is DIRECTED to terminate this case. The Court will take no action on documents filed herein beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: Honolulu, Hawai‘i, December 2, 2020.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

FRANCIS GRANDINETTI VS. NURSE MARIETA MOMII, ET AL; CV 20-00524 LEK-KJM; DISMISSAL ORDER